

106TH CONGRESS
2D SESSION

S. 2756

To amend the Federal Water Pollution Control Act to establish a National Clean Water Trust Fund and to authorize the Administrator of the Environmental Protection Agency to use amounts in the Fund to carry out projects to promote the recovery of waters of the United States from damage resulting from violations of that Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 20, 2000

Mr. ROBB introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Federal Water Pollution Control Act to establish a National Clean Water Trust Fund and to authorize the Administrator of the Environmental Protection Agency to use amounts in the Fund to carry out projects to promote the recovery of waters of the United States from damage resulting from violations of that Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Clean Water
3 Trust Fund Act of 2000”.

4 **SEC. 2. NATIONAL CLEAN WATER TRUST FUND.**

5 Section 309 of the Federal Water Pollution Control
6 Act (33 U.S.C. 1319) is amended by adding at the end
7 the following:

8 “(h) NATIONAL CLEAN WATER TRUST FUND.—

9 “(1) ESTABLISHMENT.—There is established in
10 the Treasury a National Clean Water Trust Fund
11 (referred to in this subsection as the ‘Fund’) con-
12 sisting of amounts transferred to the Fund under
13 paragraph (2) and amounts credited to the Fund
14 under paragraph (3).

15 “(2) TRANSFER OF AMOUNTS.—For fiscal year
16 2001, and each fiscal year thereafter, the Secretary
17 of the Treasury shall transfer to the Fund an
18 amount determined by the Secretary to be equal to
19 the total amount deposited in the general fund of
20 the Treasury in the preceding fiscal year from fines,
21 penalties, and other funds obtained through judg-
22 ments from courts of the United States for enforce-
23 ment actions conducted under this section and sec-
24 tion 505(a)(1), excluding any amounts ordered to be
25 used to carry out mitigation projects under this sec-
26 tion or section 505(a).

1 “(3) INVESTMENT OF AMOUNTS.—

2 “(A) IN GENERAL.—The Secretary of the
3 Treasury shall invest in interest-bearing obliga-
4 tions of the United States such portion of the
5 Fund as is not, in the Secretary’s judgment, re-
6 quired to meet current withdrawals.

7 “(B) ADMINISTRATION.—The obligations
8 shall be acquired and sold and interest on, and
9 the proceeds from the sale or redemption of, the
10 obligations shall be credited to the Fund in ac-
11 cordance with section 9602 of the Internal Rev-
12 enue Code of 1986.

13 “(4) USE OF AMOUNTS FOR REMEDIAL
14 PROJECTS.—

15 “(A) IN GENERAL.—Subject to subpara-
16 graph (B), amounts in the Fund shall be avail-
17 able, as provided in appropriations Acts, to the
18 Administrator to carry out projects to restore
19 and recover waters of the United States from
20 damage resulting from violations of this Act
21 that are subject to enforcement actions under
22 this section or from the discharge of pollutants
23 into the waters of the United States,
24 including—

1 “(i) soil and water conservation
2 projects;

3 “(ii) wetland restoration projects; and

4 “(iii) such other similar projects as
5 the Administrator determines to be appro-
6 priate.

7 “(B) CONDITION FOR USE OF FUNDS.—
8 Amounts in the Fund shall be available under
9 subparagraph (A) only for a project conducted
10 in the watershed, or in a watershed adjacent to
11 the watershed, in which a violation of this Act
12 described in subparagraph (A) results in the in-
13 stitution of an enforcement action.

14 “(5) SELECTION OF PROJECTS.—

15 “(A) PRIORITY.—In selecting projects to
16 carry out under this subsection, the Adminis-
17 trator shall give priority to a project described
18 in paragraph (4) that is located in the water-
19 shed, or in a watershed adjacent to the water-
20 shed, in which there occurred a violation under
21 this Act for which an enforcement action was
22 brought that resulted in the payment of any
23 amount into the general fund of the Treasury.

24 “(B) CONSULTATION WITH STATES.—In
25 selecting a project to carry out under this sec-

tion, the Administrator shall consult with the State in which the Administrator is considering carrying out the project.

“(C) ALLOCATION OF AMOUNTS.—In determining an amount to allocate to carry out a project to restore and recover waters of the United States from damage described in paragraph (4), the Administrator shall, in the case of a priority project described in subparagraph (A), take into account the total amount deposited in the general fund of the Treasury as a result of enforcement actions conducted with respect to the violation under this section or section 505(a)(1).

“(6) IMPLEMENTATION.—The Administrator may carry out a project under this subsection directly or by making grants to, or entering into contracts with, another Federal agency, a State agency, a political subdivision of a State, or any other public or private entity.

“(7) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this subsection, and every 2 years thereafter, the Administrator shall submit to Congress a report on implementation of this subsection.”.

1 **SEC. 3. USE OF CIVIL PENALTIES FOR MITIGATION**
2 **PROJECTS.**

3 (a) IN GENERAL.—Section 309(d) of the Federal
4 Water Pollution Control Act (33 U.S.C. 1319(d)) is
5 amended by inserting after the second sentence the fol-
6 lowing: “The court may order that a civil penalty be used
7 for carrying out mitigation, restoration, or other projects
8 that are consistent with the purposes of this Act and that
9 enhance public health or the environment.”.

10 (b) CONFORMING AMENDMENT.—Section 505(a) of
11 the Federal Water Pollution Control Act (33 U.S.C.
12 1365(a)) is amended in the last sentence by inserting be-
13 fore the period at the end the following: “, including order-
14 ing the use of a civil penalty for carrying out mitigation,
15 restoration, or other projects in accordance with section
16 309(d)”.

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